

\$1774

PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

09/635,824

Filing Date

08/10/2000

First Named Inventor

Liang

Group Art Unit

1774

Examiner Name

L.D. Ferguson

Total Number of Pages in This Submission

Attorney Docket Number

16240.249

RECEIVED
DEC 26 2002
TC 1700

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☒ Fee Attached

☐ Amendment / Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below):

Petition

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

William C. Schrot

Signature

William C. Schrot

Date

12/20/02

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: _____

Typed or printed name

Signature

Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/17 (10-02)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number 09/635,824
Filing Date 08/10/2000
First Named Inventor Liang
Examiner Name L.D. Ferguson
Art Unit 1774
Attorney Docket No. 16240.249

RECEIVED
DEC 20 2002
TC 1700

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

50-0548

Liniak, Berenato, et al.

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☒ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 740	2001 370	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 510	2003 255	Plant filing fee	
1004 740	2004 370	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20** = X =
Independent Claims -3** = X =
Multiple Dependent =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 400	2252 200	Extension for reply within second month	
1253 920	2253 460	Extension for reply within third month	
1254 1,440	2254 720	Extension for reply within fourth month	
1255 1,960	2255 980	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,280	2453 640	Petition to revive - unintentional	
1501 1,280	2501 640	Utility issue fee (or reissue)	
1502 460	2502 230	Design issue fee	
1503 620	2503 310	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 740	2809 370	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 740	2810 370	For each additional invention to be examined (37 CFR 1.129(b))	
1801 740	2801 370	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

Name (Print/Type) William C. Schrot

Registration No. 48,447
(Attorney/Agent)

Telephone 301-896-0600

Signature

Date 12/20/02

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#10

In re the Patent Application of)
BEI-HONG LIANG) Art Unit: 1774
Serial No. 09/635,824) Examiner: L. D. Ferguson
Filed: August 10, 2000) Atty. Dkt.: 16240.249
Title: FIBROUS COMPOSITE AND)
METHOD OF MAKING THE SAME)

RECEIVED
DEC 26 2002
TC 1700

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Dear Sir:

In response to the Notice of Abandonment dated October 24, 2002, applicant hereby petitions the Office to withdraw the holding of abandonment based on failure to receive a pending Office Action, and requests that the Office Action be remailed.

The Notice of Abandonment indicates that an Office Action dated March 15, 2002 was issued in the above captioned patent application by examiner Lawrence D. Ferguson. However, counsel for applicant never received this Office Action. A search of the file jacket and docket records by Liniak, Berenato & White indicates that the Office Action was never received. A copy of the docket record where the nonreceived Office Action would have been received and docketed is attached as Exhibit A. Note that the docket record is only a one-page entry screen after the file was received from the law

12/23/2002 SZEWDIE1 00000064 09635824

01 FC:1460

130.00 OP

firm of Marshall, Gerstein & Borun, the previous counsel for applicants. Liniak, Berenato & White entered the application into its docket record on July 19, 2002 (as indicated in the lower right-hand corner of the docket record screen printout). No other entries were made into the docket record before or after the initial entry.

In addition, an affidavit by Lily Liang, docket clerk for Liniak, Berenato & White at the time the Office Action was allegedly mailed, is attached as Exhibit B. Ms. Liang certifies that she never received and docketed the subject Office Action.

A copy of the docket records of Marshall, Gerstein & Borun from March 2002 to April 2002 where the nonreceived Office Action would have been received and docketed is also attached as Exhibit C. Note that their docket record indicates that the file was transferred on April 17, 2002. No other entries were made after this date. In addition, an affidavit by the docket clerk of Marshall, Gerstein & Borun is also attached as Exhibit D, wherein their docket clerk certifies that the subject Office Action was never received and docketed. Furthermore, there is no indication that any other Office Communications were received and forwarded to Liniak, Berenato & White after April 17, 2002, as certified by Richard von Holst, Docket Manager.

Counsel for applicant asserts that neither applicant's current counsel (Liniak, Berenato & White) nor applicant's previous counsel (Marshall, Gerstein & Borun) received the Office Action dated March 15, 2002. This is supported by the docket records of both firms, as well as the certifications of the docket clerks of both firms. Therefore, it is respectfully requested that the Office Action be remailed, and the Notice of Abandonment be withdrawn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. C. Schrot', with a long horizontal flourish extending to the right.

William C. Schrot
Reg. No. 48,447
Attorney for Applicant

Liniak, Berenato & White
6550 Rock Spring Drive, Ste. 240
Bethesda, Maryland 20817
Phone: (301) 896-0600
Fax: (301) 896-0607



PATENT

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

In re the Patent Application of)	
BEI-HONG LIANG)	Art Unit: 1774
Serial No.: 09/635,824)	Examiner: L.D. Ferguson
Filed: August 10, 2000)	Attorney Docket: 16240.249
Title: FIBROUS COMPOSITE AND)	
METHOD OF MAKING THE)	
SAME)	

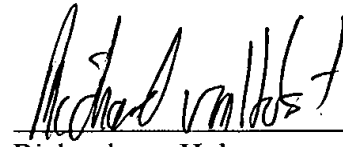
**CERTIFICATION OF DOCKET CLERK FOR
MARSHALL, GERSTEIN & BORUN**

I, Richard von Holst, hereby certify as follows:

1. I was employed by Marshall, Gerstein & Borun ("the firm") between March 15, 2002, and July 31, 2002, and was responsible for docketing all official actions received by the firm during that time period.
2. Upon receipt of any official actions and communications, it was my practice to docket their receipt by the firm, and docket any correspondence deadlines for response.
3. A review of the docketing calendar indicates that the firm never received an official action for the above-captioned application up to April 17, 2002, the date the subject file was transferred from our office to the office of Liniak, Berenato & White. Any action received after that date would have been immediately forwarded to Liniak, Berenato & White without being docketed.
4. In addition, our docketing calendar indicates that the firm was unaware of any outstanding official action or other communication for the above-captioned application.
5. Attached is a copy of our firm's computer docket record for the above-captioned application. Any official action for the application would have been entered in this docket record immediately following receipt. The record reflects that no such action was received up to April 17, 2002.

6. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: Dec. 4, 2002



Richard von Holst
Docket Manager
Marshall, Gerstein & Borun



**PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of)	
BEI-HONG LIANG)	Art Unit: 1774
Serial No. 09/635,824)	Examiner: L. D. Ferguson
Filed: August 10, 2000)	
Title: FIBROUS COMPOSITE AND)	Atty. Dkt.: 16240.249
METHOD OF MAKING THE SAME)	


CERTIFICATION OF LILLY LIANG

I, Lily Liang, hereby certify as follows:

1. I was employed by Liniak, Berenato & White ("the firm") between March 2002 and July 2002, and was responsible for docketing all Office Actions received by the firm.
2. Upon receipt of any Office Actions and Communications, it was my practice to docket their receipt by the firm, and docket any corresponding due dates for responses.
3. A review of the docketing calendar indicates that the firm never received an Office Action for the above captioned application, Serial No. 09/635,824, in March 2002.
4. In addition, our docketing calendar indicates that the firm was unaware of any outstanding Office Actions and/or Communications for the above captioned application.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 12/12/02


LILLY LIANG
Liniak, Berenato & White

U.S. Patent Case (Record Locked to allow your updates)

Record Other Screens Save Contact Forms Help



Case Management

Sr Atty: **JWB**

Pri Atty:

Admin:

Application Type

- ☐ Provisional ☐ Design
☒ Utility ☐ Plant

Case No: **16240-249**

Client ID: **MASONITE**

List

Client Case: **M-193**

App Serial No: **09/635/824**

Filing Date: **8/10/2000**

Status: **Pending**

Title: **FIBROUS COMPOSITE ARTICLES AND METHOD OF MAKING THE SAME**

Date Iss/Abn:

Patent No:

Patent Expiration Date:

☐ Expiration Date Adjusted

Reminder List for this Case

Item	Who	Due Date
Enter Natl Ph - Ch II	JWB	2/10/2003
Exam. Req. - Send Client Reminder - MALAYSIA	JWB	4/5/2003
Exam. Req. - MALAYSIA	JWB	7/5/2003
Exam. Req. - Send Client Reminder - ARGENTINA	JWB	4/23/2004
Exam. Req. - ARGENTINA	JWB	7/23/2004

There are 5 Reminder Items for this Case

Country: **ALL**

First Filed Location

☒ U.S. ☐ Foreign Country:

Date:

Ser #:

7/19/02 LLL

*PM1001 **Application Entry / Update** :58:12 11/27/02
Docket Number: **34582** **US** **UNITED STATES** Status: **TRN**

Title: **01** FIBROUS COMPOSITE ARTICLE AND METHOD OF Type:
 02 MAKING THE SAME Related Docket#s
 03

Inventors: LIANG ET AL. Date Added: 6/01/98

Client: Attorneys: JPZ SHP
27502 **MASONITE INTERNATIONAL CORPORA** Owner Ref#: M-193 (IP 5551)
 Convention: Y Small Entity:

Carton Number: Confirm.No.:
Date Forwarded: 8 10 00 Appl.Complete? Serial Number: **009/635824**
CPA Filing: Group: 1775 Date Filed: 8 10 00
PCT flag: Inform.Discl.Stmt Sent? Y
Priority Dt/No.: Appl.Allowed:
 Issue Fee Paid:
 Publication Dt:
 Publication No:

Notice of Appeal Dt:
Interference Number:
Tax Service: Assignee: **MASONITE CORPORATION**
Foreign Agent:
Based on: Reel / Frame: 11512/0502
 Recorded: 2 9 01

ENTER-Accept F1-Actions F5-No Update F9-Issue F11-Chg# F24-Delete

MASONITE INTERNATIONAL CORPORA US

Docket: 34582

SEQ	Docket	Dt.		Due Date	Action	Reply Date	Reply
004	8/10/01	2		8/10/01	2 STAT	7/10/01	STATUS INQUIRY
005	2/10/01	2		8/10/01	2 CND1	2/02/01	NOT. CLIENT
006	6/10/01	2		8/10/01	2 CND2	6/04/01	NOT. CLIENT
007	8/10/01	2		8/10/01	2 CND3	7/02/01	OFF PER JPZ
008	11/10/00	2		11/10/00	2 *INF	11/13/00	IDS W:27US, 50TH W/CM
009	11/10/00	2		11/10/00	2 ASSN	11/15/00	OFF PER JPZ
010	12/03/00	2		12/03/00	2 *COM	12/01/00	DECL W/CM
011					FRWD	2/07/01	FRWD.ASSN.FOR RECORDAL
013	1/10/02	2		1/10/02	2 STAT	1/04/02	STATUS INQUIRY
016	7/04/02	2		7/04/02	2 STAT	4/17/02	REC'D FIRST OFFICE ACTION?
017					FRWD	4/02/02	IDS W:1US,7FOR,10TH W/CM
019	4/17/02	2		4/17/02	2 TRAN	4/17/02	TRANSF.FILE TO LINIAK,BERENATO

.000.

ENTER-Add/Update line F1-Return F5-New Mark F9-PageUp F10-PageDown